

**Brazos River and Associated Bay and Estuary System
Basin and Bay Stakeholder Committee (BBASC) Meeting
Tuesday, August 28, 2012 at 11:00 a.m.
Texas Ranger Hall of Fame and Museum, 100 Texas Ranger Trail
Waco, Texas**

Meeting Notes

Review and finalize BBASC Report

Members of the BBASC had submitted substantive and editorial comments to the report subcommittee via e-mail. During this meeting, members were asked to identify any outstanding concerns that they had with the report so that the group could discuss them and agree upon revisions.

It was explained that Report Table E-2 now included a statement that consensus was not reached on the pulse flow recommendation for gages 1, 2, and 3 and a note below the table explaining the same. The gage reports for gages 1, 2 and 3 in Appendix B also stated that the pulse flow recommendations were decided by a non-consensus vote.

The group reviewed a proposed section in the Executive Summary titled “Lack of Consensus on the Upper Gages of the Brazos.” The BBASC agreed to the following revised text:

The BBASC was unable to develop consensus environmental flow recommendations for the three upper-most gages within the Brazos River basin: the Double Mountain Fork of the Brazos near Aspermont (gage 1); the Salt Fork of the Brazos near Aspermont (gage 2); and the Brazos River at Seymour (gage 3).

Two aquatic species, the Sharpnose Shiner and the Smalleye Shiner, are found in the three river reaches represented by these gages. These species are both Federal candidate species currently under review for listing as either threatened or endangered under the Endangered Species Act.

While the BBASC was able to reach consensus for subsistence and base flow recommendations at these gages, they were unable to reach consensus on pulse flow recommendations. The majority favored a position for pulse flows protective of water supplies in the Upper Basin. The minority position expressed concern for pulse flows protective of these two species.

The group heard clarification of how the environmental flow standards would be implemented with regard to reservoir storage. There was a concern that a statement in the Executive Summary may limit voluntary strategies to provide flows from reservoir storage. The BBASC declined to add “existing” as a modifier for “water rights permit holder” in the following sentence: “The BBASC wants to make clear that it does not intend that the environmental flows standards should require any water rights permit holder to release previously stored water from storage or to take other action to produce a pulse flow event that would not have occurred naturally or to

maintain base or subsistence flow.” *(This same decision relates to similar language found later in the body of the report itself.)*

In Section 2.3 titled “Environmental Flow Risk Recommendation Viewpoints,” a new paragraph was proposed discussing presentations related to the Systems Operation permit application and the effect of the future TCEQ environmental flow standards on that permit. The principle concern related to paragraph was whether the BBASC had acknowledged how the EFS would apply and whether the applicability of the rules was subject to varied interpretations. The BBASC agreed to the following text:

Considerable time was spent comparing the environmental flow recommendations from the BBEST to those contained within the BRA’s pending System Operation Permit, and what implications the BBASC’s recommendations might have on BRA’s permit, especially in light of the parallel schedules being followed in the Brazos Basin for SB3 and for BRA’s permit based on direction from the TCEQ Commissioners. The interim environmental flow special conditions in BRA’s permit are specific to that permit and ~~that~~ they may be modified in the future by the environmental flow recommendations ultimately adopted by TCEQ as a result of SB3.

In Section 1.1.1, titled “Geographic Area,” two new paragraphs were proposed discussing the Shiner species in the Upper Brazos watershed. There was a request to clarify part of this insertion and the BBASC members agreed to the following text:

Two aquatic species of concern, Sharpnose Shiner and Smalleye Shiner, are found in the upper watershed of the Brazos River. Both of these species are candidate species currently under review for listing as either threatened or endangered under the Endangered Species Act. Historically, the range of these fish included most of the Brazos River, but these species are currently isolated within the river upstream of the Possum Kingdom reservoir.

In Section 3.5.5, titled “Implementation of High Flow Pulses,” a concern was raised about the description of how pulses would be counted. Phil Price of the BBEST explained that a proposed clarification made sense and also recommended that BBEST tables 6.1 and 6.2 be added to the BBASC report in an Appendix. BBASC members agreed to include the tables in an Appendix to the Report and to revise the text as follows:

For gages 7 (Brazos near Palo Pinto) and 8 (Brazos near Glen Rose), the following applies: If, during a qualifying event at one magnitude, flows increase to a magnitude that exceeds a greater magnitude event trigger, the pulse recommendations of the higher qualifying pulse control passage of the flows. In this case, the higher magnitude event is considered to satisfy one lower magnitude event in each lower category in the same season.

In Section 1.1.1, titled “Geographic Area” and subtitled “Lower Basin,” BBASC members agreed to delete the sentence discussing conjunctive surface-water/groundwater use related to proposals to pump Carrizo-Wilcox water directly into the river to augment flows.

Near the end of Section 2.7, titled “Summary of Technical Analyses,” two new paragraphs were proposed to provide information about analysis that was presented to the BBASC and to describe a proposal that was considered at a BBASC meeting. The BBASC discussed these items and agreed to the modified text provided below (new text is underlined):

At the July 31st meeting, at the request of several BBASC members, Joe Trungale with Trungale Engineering & Science, presented an alternative, compromise proposal for recommending pulse flows based on a FRAT analysis at the Double Mountain Fork site. Mr. Trungale demonstrated that hydrologic conditions are better represented by a metric that relies on both Palmer Hydrologic Drought Index and Reservoir Storage, and that this dual metric provides better flexibility to develop recommendations whereby a modified BBEST template be used during “Wet” conditions and a modified BBEST template that protects fewer HFPs be used during “Dry” conditions.

During August 15-46 meetings, several stakeholders presented a compromise proposal for the upper gages (1, 2, 3) resulting from their FRAT analysis of the Double Mountain Fork site. This proposal allowed for reduced frequencies of pulses during “Dry” conditions, but provided for additional levels and frequencies of pulses during “Wet” conditions.

In the Executive Summary, under the heading “Funding and Time for the Process,” there was a concern about characterizing the work plan process as an unfunded mandate. The members expressed serious concerns about the proceeding with developing a work plan and trying to have actual work plan items come to fruition when state funds are not designated for these activities. Other members indicated that although specifically designated state funds may not be available for work plan items, other BBASCs have had success in getting funding from other sources, such as federal programs. The BBASC directed the Report subcommittee to rewrite the sentence and suggested the following as a possibility:

For this process to be effective, it must be funded.

Regarding Appendix E, the Minority Report on Pulse Flow Recommendations – Gages 1-3, there was a concern that including the signatures of both BBASC members and alternates supporting this report created confusion because it did not align with the actual vote that occurred after the BBASC suspended consensus for deciding pulse flow recommendations on the gages 1-3. Additional concerns were expressed that the Minority report did not reflect that 1) the BBASC had information about a pending water supply project in the upper basin and 2) the BBASC had made an effort to achieve consensus on the pulse flows for the upper gages. Members drafting the Minority report agreed to revise how signatories were listed and to take into consideration the concerns expressed and provide an updated Minority report to the Report Subcommittee by August 30.

The BBASC discussed whether it would approve the Report, as a whole, by consensus. The BBASC agreed to the following statement:

The members of the Brazos BBASC approve the Environmental Flow Standards and Strategies Recommendations Report and that this vote be reported as reflecting a consensus agreement on environmental flow standard recommendations at 17 gage locations and a non-consensus recommendation for environmental flow standards on pulse flows at Gages 1, 2 and 3, with a Minority Report proposing alternate flow standard recommendations for pulse flows for those three locations.

Adjourn